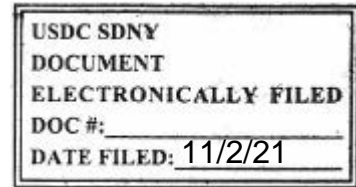


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



United States of America,

—v—

Ghislaine Maxwell,

Defendant.

20-CR-330 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

As discussed at yesterday's conference, attached is the Court's draft preliminary remarks to be recorded and played before each voir dire session. The parties may suggest any proposed edits or additions by letter on or before November 8, 2021, or they shall indicate by that date that they have no objections or suggestions.

SO ORDERED.

Dated: November 2, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

ALISON J. NATHAN
United States District Judge

Draft Pre-Voir Dire Remarks – November 2, 2021

United States v. Maxwell, 20cr330

Preliminary Remarks Prior to Voir Dire

To be recorded and played on 11/16-11/19

Introduction

Welcome back to the Southern District. Thank you again for your time and service. As I mentioned in my remarks to you when you filled out the questionnaire, I'm Judge Nathan and I am the judge who will preside over this case. The questionnaire you previously filled out was the first step in the jury selection process. Today will be the second step. Some of you will be excused today and will not have to return for this case, although you may be directed to go through a similar process in another case. Others may be directed to return tomorrow if necessary. And ultimately, some of you will return for the third and final step in the process. That will take place on November 29. In any event, after you complete this step of the process today, you will receive instructions on next steps that are particular to you.

As you know from my prior remarks to you and from the questionnaire, we're here today to select a jury to serve in a criminal case, called the United States against Ghislaine Maxwell. As you read in the questionnaire, the Indictment alleges that Ghislaine Maxwell conspired with and aided and abetted Jeffrey Epstein to entice minor females to travel to engage in criminal sex activity, to transport minors to engage in criminal sexual activity, and to engage in sex trafficking of a minor. Ms. Maxwell has pled not guilty to all charges. Ms. Maxwell is presumed innocent, and before she can be found guilty on any charge, the jury must find that the Government has proven each element of that crime beyond a reasonable doubt.

Thank you for participating in this process. The process of selecting a jury in a criminal case is a critical part of our justice system. The purpose of this process is to select those jurors who can be fair and impartial to both sides in this case. Some people find that they can be fair and

1 impartial in one kind of case, but for various reasons, related to their own life experiences or views,
2 can't be fair in another kind of case. The process that we use is designed to help us figure out
3 whether you can be fair and impartial to both sides in this case.

4 If during the course of this process you come to believe that because of something that
5 you have experienced or because of something you've heard or read that you cannot be fair and
6 impartial—that is that you would favor either the Government or the Defendant regardless of
7 what the evidence shows—then you must tell me. It's not unusual, and there's no reason to be
8 embarrassed about it.

9 But the system only works if all of our citizens are willing and prepared to serve as jurors
10 when they can do so fairly and impartially. I do not expect that anybody would seek to avoid this
11 important duty for any but the most compelling reasons.

12 As I mentioned in my prior remarks, the Court has taken a number of steps to help ensure
13 the process for selected jurors is as safe and easy as possible. We have masking and distancing
14 protocols. We have reconfigured courtrooms to enhance safety measures. The Court will
15 provide transportation for selected jurors to and from the courthouse each day. Breakfast,
16 snacks, and lunch will be provided for you.

17 To conduct the next phase of the process, I will ask each of you some questions
18 individually. We'll do that in a separate courtroom where I and the lawyers and the Defendant
19 are sitting now. You all will be brought in the courtroom one at a time. Bear in mind that this is
20 a public courtroom. To protect your privacy, I will only refer to you by your juror number.
21 Please do not state any identifying information. For example, if we talk about your job you
22 could say that you are a sales clerk at a large retail store, without stating the specific name of
23 your employer. This is to protect your privacy. Even with those privacy protections in place, if

1 there is something that would be too difficult or embarrassing for you to say on the public record,
2 please let me know. And please keep in mind that if you are selected as a juror, we will continue
3 to refer to you only by your juror number throughout the process.

4 Now, if you are selected as a juror, your job is going to be to listen to the evidence and to
5 my instructions on the law and to make a determination that's based only on the law. So I want to
6 speak to you generally about some things to keep in mind.

7 The first thing is, as Ms. Maxwell sits here now, she's presumed to be innocent. She is
8 presumed innocent until and only if the jury finds that she is guilty beyond a reasonable doubt.
9 As I just explained to you, she's been indicted for a number of crimes, but an indictment is just
10 an accusation. It is not evidence and it doesn't mean that Ms. Maxwell is guilty of anything. You
11 can't assume that she is guilty or more likely to be guilty just because she's been charged with
12 committing these crimes. That's the reason we have trials, to determine whether the Government
13 can prove a defendant's guilt beyond a reasonable doubt. A defendant in a criminal case does not
14 have to prove that she is not guilty. That means a defendant does not have to testify, or to put on
15 any evidence and a juror can't hold that against a defendant if she makes that choice.

16 The next thing is that as jurors you must follow the law as I give it to you, even if you
17 don't agree with it or if you think the law should be different.

18 You also have to base your verdict on the evidence, not on something that you've read in
19 the newspapers or the internet or seen on television or heard about on social media or in
20 discussions with friends, family, or colleagues. And you can't base your decision in this case on
21 something that you might have read or heard about another case.

22 As I said before, there is significant media interest in this case. As jurors you are not
23 permitted to read any news about this case. You cannot read or watch or listen to any accounts

1 of this case at all. If you see something in the paper or online, you're just going to have to turn
2 the page or close the browser. You can't read it.

3 Equally important, you're not permitted to discuss this case with anyone else while the
4 case is going on. Even with your fellow jurors, you can't discuss the case until you've heard all
5 the evidence and I've given my instructions on the law. Again, that's because you can only
6 consider the evidence that you hear in the courtroom, not anything outside of the courtroom. You
7 have to keep an open mind. Nor may you discuss the case with friends or family until after your
8 jury service is complete. You can tell them that you are a juror in a criminal case in federal court
9 and that the judge has told you that you are not permitted to say anything further.

10 Similarly, until you are excused from jury service, you cannot post anything about your
11 experience as a juror on Facebook, Twitter, Instagram, TikTok or any kind of social media.
12 Another instruction, you can't look up or google or do any other kind of search about anything
13 related to the case or anyone involved in the case.

14 The reason for these rules, as I am sure you understand, is they protect the integrity of the
15 trial and assure that both sides receive a fair trial.

16 Jurors in criminal cases base their verdicts on the evidence that they hear in the
17 courtroom, not on something that somebody else tells you, not on something that you see on TV
18 or on social media. That's why if you're selected as a juror, I'll be reminding you of these rules
19 regularly. You can't watch news accounts, look anything up or speak to anybody else about the
20 case. You would be violating the oath you have taken as jurors and you would be violating my
21 orders if you were to do that.

22 Finally, you must report to me through my court deputy any effort by any person to speak
23 with you about the case or to influence you about the case or to get information about the case.

1 I do want to thank all of you for the time you've invested already in this process. Our
2 system cannot function unless we have good people like you who are willing to give up their
3 time and to serve as jurors.

4 Please sit quietly until your number is called and you are brought into the courtroom for
5 questioning by me. Although you may use your electronic devices while you are waiting
6 (bearing in mind of course all of my instructions that forbid you to do any research or engage in
7 any communications about the case through any means), you must turn off and hand over any
8 electronic devices to the Jury Department staff before you are brought into the courtroom. I look
9 forward to meeting each of you in person soon. Thank you.